IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.189 OF 2006

1.Shri Jai Mahendra Thakor & ors .. Petitioners.
Vs.
1. Smt Aarti Dinesh Jain & anr .. Respondents.

Mr S.R.Sharma, for the petitioners.
Mr Dharmendra Rohira with Ashok Sahani, with Reshma Mishra for respondent no.1.
Mr.A.A.Shitole, A.P.P. for the State.

CORAM : D.B.BHOSALE, J.

DATED : 13TH JULY, 2006

P.C.:

1. Heard learned counsel for the parties.

2. By this petition, the petitioners have prayed for quashing of F.I.R. bearing C.R.No.294 of 2001 registered at Bhoiwada Police Station, Dadar under sections 498-A, 323, 504 r/w 34 of IPC as also the case arising from the said CR bearing no.156/PW of 2004 pending before the Metropolitan Magistrate, 29th Court, Bhoiwada, Dadar,Mumbai. Petitioner no.1-husband and respondent no.1-wife are present in Court. The respondent-wife has filed an affidavit dated 9.6.2006 stating that she has settled her all disputes with the petitioners and they have decided to take divorce by mutual consent. In fact, the divroce by mutual consent has already been obtained. I perused the Consent Terms annexed to the petition (Exhibit-I). The Supreme Court in **B. S. Joshi and Anr Vs. State of Haryana**

and Anr., 2003 (4) SCC 675 in similar situation

in paragraph 14 and 15 of the judgment held thus:

> "14. There is no doubt that the object of introducing Chapter XX-A containing section 498A in the Indian Penal Code was to prevent the torture to a woman by her husband or by relatives of her husband. Section 498A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hyper-technical view would be counter productive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XX-A of Indian Penal Code."
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> 15. In view of the above discussion, we hold that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and section 320 of the Code does not limit or affect the powers under section 482 of the Code."

3. Keeping these observations in view and considering the affidavit of the respondent-wife stating that the parties have amicably sorted out all the differences and settled the dispute I find no reason and ground to reject the prayer made by the petitioners and respondent no.1 in particular. In the circumstances, the writ petition is allowed. The proceedings in Case No.156/PW of 2004 pending before the Metropolitan Magistrate, 29th Court,Bhoiwada,

Dadar, Mumbai are quashed. This petition is, accordingly, disposed of.

(D.B.Bhosale, J.)